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 ACTING UNITED STATES TRUSTEE

UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF CALIFORNIA

In re:

DONALD R. SOUCY,
 Debtor.

ACTING UNITED STATES TRUSTEE,
 Movant,

vs.

STEVEN R. HOUBECK,
 Respondent

Case No.: 08-04626-LT13

Contested Matter Per OSC
 Dated October 13, 2009

UNITED STATES TRUSTEE'S RESPONSE
 TO RESPONDENT'S OMNIBUS
 RESPONSE TO UST'S TRIAL BRIEF FOR
 EVIDENTIARY HEARING ON ORDER TO
 SHOW CAUSE WHY ATTORNEY
 SHOULD NOT DISGORGE FEES OR BE
 SANCTIONED

Date: May 27, 2010
 Time: 2:00 p.m.
 Dept.: Three (3)
 Judge: Hon. Laura S. Taylor

Steven Houbeck (the "Respondent") filed his Omnibus Response to UST's Trial Brief for Evidentiary Hearing on Order to Show Cause Why Attorney Should Not Disgorge Fees or Be Sanctioned ("Respondent's Response"). Respondent's only argument is that the UST's brief is "conclusionary and fails to connect the dots." Respondent states that the UST ignored the facts and based the OSC on unsubstantiated allegations.

The United States Trustee relies on her previous pleadings filed with the Court. The UST notes that the trial briefs are not the place for evidence and factual assertions to be proven.

1 Instead, the Court determines the facts of the case at trial. The purpose of trial briefing is to
2 establish the legal authority for claims and assertions to be proven at trial. Respondent did not
3 state any legal authority for the proposition that the UST is somehow required to prove specific
4 facts in the trial brief.

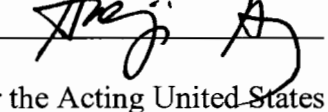
5 Furthermore, the UST did not and has no power to issue an OSC -- the Court issued the
6 OSC on October 13, 2009.

7 WHEREFORE, the UST submits this Response to Respondent's Response.
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10 Respectfully submitted,

11 TIFFANY L. CARROLL
12 ACTING UNITED STATES TRUSTEE
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14 Dated: March 24, 2010

15 By: /s/ Haeji Hong 
16 Haeji Hong
17 Attorney for the Acting United States
18 Trustee
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